

FILED - CLERK
U.S. DISTRICT COURT
2005 MAY -2 PM 4:10
TX EASTERN-BEAUMONT
BY JF

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

MICHAEL RICHARD ECK

§

VS.

§ CIVIL ACTION NO. 1:05cv216

R.D. MILES, ET AL

§

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Michael Richard Eck, proceeding *pro se*, brought the above-styled civil rights lawsuit.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this case. The magistrate judge recommends this action be dismissed for failure to state a claim upon which relief may be granted.

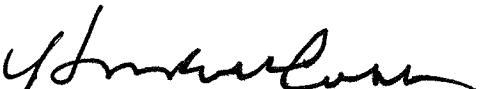
The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate

judge is **ADOPTED**. A final judgment will be entered in this case
in accordance with the magistrate judge's recommendation.

SIGNED this 2d day of May, 2005.



HOWELL COBB
UNITED STATES DISTRICT JUDGE